

**REMARKS**

All pending claims 1-9 were rejected. New claims 10-18 are added. No new subject matter is added. Claims 1-18 are pending. Reconsideration of the pending claims is requested in light of the following remarks.

***The McMillin and Kumar References***

In section 2 of the Office Action mailed on July 17, 2002, the Examiner refers to U.S. Patent No. 5,382,311 issued to McMillin et al. However, U.S. Patent No. 5,382,311 was actually issued to Ishikawa et al. as listed on PTO Form 892. We assume that the Examiner is referring to U.S. Patent No. 5,835,334 issued to McMillin et al. on November 10, 1998, which is not included in PTO Form 892 (hereafter 'McMillin'). The Examiner also forwarded a copy of U.S. Pat. No. 6,217,655 B1 issued to Kumar et al. but this patent is also not included in PTO Form 892.

***Rejections - 35 USC § 102***

Claims 1-3 and 7 were rejected under 35 U.S.C. 102(b) as being anticipated by McMillin. In particular, the Examiner states that McMillin teaches a detachable aluminum nitride plate (section 2). Applicant disagrees.

With regard to claim 1, it is apparent that the electrode cap 1 and the lower electrode 2 of McMillin jointly form a heater (Fig. 1; column 3, lines 4-23; column 4, lines 52-55). McMillin teaches that the electrode cap 1 and the lower electrode 2 are connected with threaded mechanical fasteners (column 4, lines 52-55). However, the use of a detachable ceramic plate as recited in claim 1 is not taught because McMillin teaches permanently attaching the ceramic material to the metallic electrode cap using an anodization, deposition, spray, bonding, or other similar process (column 3, lines 24-36; column 3, lines 37-53). If one were to remove the ceramic material from McMillin by unthreading the mechanical fasteners, it would remove one component of the heater as well, leaving a nonfunctional heater. On the other hand, the applicant claims a detachable ceramic plate that is placed on the heating surface defined by the heater. Therefore, McMillin's threaded fasteners and electrode cap are part of the heater, and no detachable ceramic plate placed on the heating surface is disclosed in McMillin.

With regard to claim 2, McMillin does not teach the recited element of a heater consisting of a ceramic heater. Rather, McMillin teaches that the electrode cap 1 and the lower electrode are metallic in nature, preferably aluminum (Fig. 1; column 3, lines 24-26;

column 4, lines 11-13). While McMillin does suggest using a ceramic ring to insulate the heater from other processes (column 4, lines 15-20), this is not the same as a ceramic heater. Applicant submits that this rejection is improper.

With respect to claim 3, applicant submits that it is patentable over McMillin for at least the same reasons as claims 1 and 2.

With respect to claim 7, applicant submits that it is patentable over McMillin for at least the same reason as claim 1.

### ***Rejections – 35 USC § 103***

Claims 4-6 were rejected under 103(a) as being unpatentable over McMillin as applied to claims 1-3 and 7. Applicant disagrees for the same reasons discussed above regarding why McMillin does not anticipate claims 1-3 and 7. Namely, McMillin does not disclose or teach a detachable ceramic plate which is placed on said heating surface or a heater consisting of a ceramic heater.

With regard to claim 4, applicant submits that it is patentable over McMillin for at least the same reasons claims 1 and 2 are not anticipated by McMillin.

With respect to claims 5 and 6, applicant submits that they are patentable over McMillin for at least the same reason claim 1 is not anticipated by McMillin.

Claims 8 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over McMillin as applied to claims 1-3 and 7 above and in view of U.S. Patent No. 5,665,166 issued to Deguchi et al. ('Deguchi'). Applicant disagrees.

Deguchi also fails to disclose or teach the recited elements of claim 1 and 9 of a detachable ceramic plate which is placed on said heating surface defined by a heater. Deguchi does teach that a semiconductor wafer 108 is electrostatically chucked by an electrostatic chuck 107 mounted on the upper surface of the lower electrode 104 (Fig. 1; column 1, lines 25-27). However, contrary to Examiner's stated position, nowhere in the description of Fig. 1 does Deguchi teach a detachable ceramic plate as recited in claims 1 and 9.

Because both McMillin and Deguchi fail to disclose or teach the element of a detachable ceramic plate as recited in claims 1 and 9 and because claim 8 depends on claim 1, the applicant submits that claims 8 and 9 are both patentable over the combination of McMillin and Deguchi.

CONCLUSION

Based on the foregoing remarks, the application should now be in condition for allowance. If the Examiner has any questions, please call the undersigned.



20575

PATENT TRADEMARK OFFICE

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

By

James G. Stewart  
Reg. No. 32,496

1030 S.W. Morrison Street  
Portland, Oregon 97205  
Telephone: (503) 222-3613

cc: Yoichi Oshima (F734US)

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

- 1 10. (New) A heater device according to claim 1, wherein said ceramic plate is made of  
2 ceramic material essentially consisting of alumina.
- 1 11. (New) A film forming device according to claim 9, wherein said heater consists of a  
2 ceramic heater.
- 1 12. (New) A film forming device according to claim 9, wherein an electrode for radio  
2 frequency power is buried in said ceramic heater.
- 1 13. (New) A film forming device according to claim 9, wherein said ceramic plate has a  
2 thickness of no more than 2 mm.
- 1 14. (New) A film forming device according to claim 9, wherein an electrode for radio  
2 frequency power is buried in said ceramic plate.
- 1 15. (New) A film forming device according to claim 9, wherein said ceramic plate has a  
2 thickness of no more than 5 mm.
- 1 16. (New) A film forming device according to claim 9, wherein said ceramic plate is  
2 made of ceramic material essentially consisting of aluminum nitride or magnesia.
- 1 17. (New) A film forming device according to claim 9, wherein said ceramic plate  
2 further comprises an annular low wall surrounding said supporting surface.
- 1 18. (New) A heater device according to claim 1, wherein said ceramic plate is made of  
2 ceramic material essentially consisting of alumina.